

---

# A BILL FOR AN ACT

RELATING TO BUDGETING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to address the  
2 executive and judiciary budgets.

3       More specifically, this Act:

4       (1) Requires the executive budget and related documents to  
5 identify the position ceiling for each budget program;

6       (2) Requires the position ceiling to separately identify  
7 the maximum numbers of permanent and temporary full-  
8 time equivalent positions authorized; and

9       (3) Prohibits an agency from exceeding the position  
10 ceiling, with certain exceptions.

11       The legislature intends that this Act also apply to the  
12 judiciary budget by operation of section 601-2, Hawaii Revised  
13 Statutes.

14       This Act applies to budget documents submitted to the  
15 legislature after July 1, 2016. The legislature has instituted  
16 the delay so that the information technology system for the  
17 budget may be upgraded to accommodate the implementation of this  
18 Act.



SECTION 2. Chapter 37, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

"§37-      **Position ceiling.**    Whenever this part requires a position ceiling to be specified:

(1)    The number of permanent positions and temporary positions shall be separately identified; and

(2)    The position ceiling shall be expressed in units or fractions of full-time equivalent positions."

SECTION 3. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§76-      **Special, research, or demonstration project positions.**    Notwithstanding any law to the contrary, with the approval of the governor, the head of a department may establish and abolish any subordinate position for an employee engaged in a special, research, or demonstration project that is approved by the governor, subject to the limitations of available appropriations."



1       SECTION 4. Section 37-62, Hawaii Revised Statutes, is  
2 amended by adding seven new definitions to be appropriately  
3 inserted and to read as follows:

4       "Casual hire position" means an hourly-paid temporary  
5 position, the services of which are required intermittently.

6       "Full-time equivalent position" means a position, the  
7 occupant of which is employed for a normal work week of at least  
8 forty hours or its equivalent.

9       "Permanent position" means a position, the existence of  
10 which has no time limitation.

11       "Position" means a specific job, whether occupied or  
12 vacant, consisting of all duties and responsibilities assigned  
13 or delegated by competent authority, requiring the full or part-  
14 time employment of one person.

15       "Position ceiling" means the maximum number of permanent  
16 and temporary full-time equivalent positions that an expending  
17 agency is authorized for a particular program.

18       "Temporary position" means a position, the existence of  
19 which has a time limitation, or a position that is not otherwise  
20 a permanent position.



1       "Vicing position" means a temporary position created to  
2 back-fill for an incumbent who is on an extended period of  
3 authorized leave of absence."

4       SECTION 5. Section 37-69, Hawaii Revised Statutes, is  
5 amended by amending subsections (c) and (d) to read as follows:

6       "(c) The financial plan for the ensuing six fiscal years  
7 shall more specifically include:

8       (1) Economic data for the State and the counties of the  
9 following kinds:

10       (A) Population: Including historical, current, and  
11 projected population count; population  
12 distribution by age and sex; estimated increases  
13 and decreases, including increases and decreases  
14 by immigration;

15       (B) Employment: Including magnitude of labor force  
16 by age and sex; labor force participation rates;  
17 employment by age and sex; industry and  
18 occupational surpluses and shortages; effects of  
19 government programs on employment rate;

20       (C) Income: Including per capita and per family  
21 income; disposable income; income distribution;



1 (D) Wages and prices: Including wages by industry  
2 and occupational groups; prices for government  
3 procurement items; construction costs; cost of  
4 living index; price indices for components of  
5 personal consumption;

6 (E) Industry and business trends; and

7 (F) Effects of national economic and financial  
8 policies and conditions;

9 (2) Brief statements disclosing the basis upon which the  
10 revenue estimates in the plan were made, including for  
11 each specific tax and nontax revenue source:

12 (A) The previous projections for the last completed  
13 fiscal year and the fiscal year in progress;

14 (B) The variance between the projections and the  
15 actual or revised estimate, and the reasons for  
16 the variances;

17 (C) Tax or source base and rates;

18 (D) Yield projections of existing revenue sources and  
19 existing taxes at authorized rates;

20 (E) Assumptions made and methodology used in  
21 projections;



1 (F) Changes recommended; and

2 (G) Projected yields if changes are adopted; etc.;

3 (3) At the lowest level on the state program structure,  
4 for each program:

5 (A) The total actual program cost for the last  
6 completed fiscal year, the estimated cost for the  
7 fiscal year in progress, and the estimated cost  
8 for each of the next six fiscal years; research  
9 and development, operating, and capital costs  
10 shall be included and the means of financing  
11 shall be identified. The ~~[number of personnel~~  
12 ~~positions]~~ position ceiling and all lease  
13 payments shall be shown for the program,  
14 identified by their means of financing;

15 (B) The program size indicators; the actual size  
16 attained in the last completed fiscal year, the  
17 estimated size for the fiscal year in progress,  
18 and the estimated size for each of the next six  
19 fiscal years; and

20 (C) The effectiveness measures; the actual level of  
21 effectiveness attained in the last completed



1           fiscal year, the estimated level of effectiveness  
2           for the fiscal year in progress, and the  
3           estimated level for each of the next six fiscal  
4           years;

5       (4)   Appropriate displays of paragraph (3)(A) and (C), at  
6           every level of the state program structure above the  
7           lowest level, by the major groupings of programs  
8           encompassed within the level. The displays of  
9           [+]paragraph[+] (3)(A) shall appropriately identify  
10          the means of financing and [~~the number of positions~~]  
11          position ceiling included in the level;

12       (5)   Financial summaries displaying the State's financial  
13           condition, actual for the last completed fiscal year,  
14           and estimated for the fiscal year in progress and each  
15           of the next six fiscal years, including:

16       (A)   A display of the programmed, total state  
17           expenditures, by cost categories, the total state  
18           resources anticipated from existing tax and  
19           nontax sources at existing rates, by resource  
20           categories, including the fund balance or deficit  
21           at the beginning of the fiscal year and bond



1 receipts, and the resulting fund balance or  
2 deficit at the close of each fiscal year. Lease  
3 payments in each cost category shall be stated  
4 separately; and

5 (B) The changes proposed to the existing tax and  
6 nontax rates, sources or structure, and the  
7 estimated increases or reductions in revenues,  
8 the estimated cumulative increases or reductions,  
9 and the estimated fund balance or deficit in each  
10 of the next six fiscal years as a result of such  
11 proposed changes. Proposals for changes in the  
12 existing tax and nontax rates, sources or  
13 structure shall be made in every case where the  
14 proposed, total state expenditures exceed the  
15 total resources anticipated from existing tax and  
16 nontax sources at existing rates.

17 [~~Such~~] The financial summaries shall be prepared for  
18 the total state expenditures and resources and for the  
19 general fund and special fund portions thereof;

20 (6) A summary of the balance of each special fund, actual  
21 for the last completed fiscal year and estimated for





1 the fiscal year in progress and estimated for each of  
2 the next six fiscal years;

3 (7) A summary of the State's total bond fund required to  
4 carry out the recommended programs and the kinds of  
5 bonds and amounts thereof through which the  
6 requirements were met in the last completed fiscal  
7 year, are to be met in the fiscal year in progress,  
8 and are proposed to be met in each of the next six  
9 fiscal years. The summary shall detail, for each  
10 fiscal year:

11 (A) Of the total bond fund requirements, the amount,  
12 by cost categories, requiring new bond issuance  
13 authorization and the kinds and amounts of bonds  
14 planned for issuance under ~~such~~ the new  
15 authorizations;

16 (B) By bond categories, the total, cumulative balance  
17 of bonds authorized in prior years but unissued  
18 and the amount thereof proposed to be issued; and

19 (C) A recapitulation of the total bonds to be issued,  
20 including both new authorizations and prior  
21 authorizations, by bond categories;



1 (8) Separately for general fund tax revenues, special fund  
2 tax revenues, general fund nontax revenues, and  
3 special fund nontax revenues:

4 (A) By kinds of taxes or sources, the amount of  
5 revenue from existing, authorized taxes or  
6 sources at existing rates received in the last  
7 completed fiscal year and estimated to be  
8 received in the fiscal year in progress and in  
9 each of the next six fiscal years;

10 (B) A summary of the proposed changes in the existing  
11 taxes or sources or rates, and the estimated  
12 increases or reductions in revenues in each of  
13 the next six fiscal years resulting from such  
14 changes; and

15 (C) The total estimated revenues with and without the  
16 proposed changes in each of the next six fiscal  
17 years; and

18 (9) A summary of the State's total payments due under  
19 financing agreements required to carry out the  
20 recommended programs and the kinds of financing  
21 agreements and amounts thereof through which the



1 requirements were met in the last completed fiscal  
2 year, are to be met in the fiscal year in progress,  
3 and are proposed to be met in each of the next six  
4 fiscal years. The summary shall detail, for each  
5 fiscal year:

6 (A) Of the total financing agreement requirements,  
7 the amount, by cost categories, requiring new  
8 financing agreement authorizations and the kinds  
9 and amounts of financing agreements planned for  
10 execution and delivery under ~~[such]~~ the new  
11 authorizations;

12 (B) By cost category, the cumulative balance of  
13 financing agreements authorized in prior years  
14 but not executed and delivered and the amount  
15 proposed to be executed and delivered; and

16 (C) A recapitulation of the total financing  
17 agreements to be executed and delivered,  
18 including both new authorizations and prior  
19 authorizations, by cost categories.

20 (d) The program plans for the ensuing six fiscal years  
21 shall more specifically include:



- 1           (1) At the lowest level on the state program structure,  
2           for each program:
- 3           (A) A statement of its objectives;
- 4           (B) Measures by which the effectiveness in attaining  
5           the objectives is to be assessed;
- 6           (C) The level of effectiveness planned for each of  
7           the ensuing six fiscal years;
- 8           (D) A brief description of the activities  
9           encompassed;
- 10          (E) The program size indicators;
- 11          (F) The program size planned for each of the next six  
12          fiscal years;
- 13          (G) A narrative explanation of the plans for the  
14          program. It shall contain, and in general be  
15          limited to, the following:
- 16           (i) A description of the kinds of activities  
17           carried out or unusual technologies  
18           employed;
- 19           (ii) A statement of key policies pursued;
- 20           (iii) Identification of important program or  
21           organizational relationships involved;



1 (iv) A description of major external trends  
2 affecting the program;

3 (v) A discussion of significant discrepancies  
4 between previously planned cost,  
5 effectiveness, and program size levels and  
6 those actually achieved;

7 (vi) Comments on, and an interpretation of, cost,  
8 effectiveness, and program size data over  
9 the upcoming budget period, with special  
10 attention devoted to changes from the  
11 current budget period;

12 (vii) Comments on, and an interpretation of, cost,  
13 effectiveness, and program size data over  
14 the four years of the planning period and  
15 how they relate to the corresponding data  
16 for the budget period; and

17 (viii) A summary of the special analytic study,  
18 program evaluation, or other analytic report  
19 supporting a substantial change in the  
20 program where such a major program change  
21 recommendation has been made;



1 (H) The full cost implications of the recommended  
2 programs, by cost categories and cost elements,  
3 actually experienced in the last completed fiscal  
4 year, estimated for the fiscal year in progress,  
5 and estimated for each of the next six fiscal  
6 years. The means of financing shall be  
7 identified for each cost category. The personal  
8 services cost element and the lease payments cost  
9 element shall be shown separately; the cost  
10 elements of other current expenses, equipment,  
11 and motor vehicles may be combined. The ~~[number~~  
12 ~~of positions included in]~~ position ceiling for  
13 the program shall be appropriately identified by  
14 means of financing;

15 (I) A recapitulation of subparagraph (H) for the last  
16 completed fiscal year, the fiscal year in  
17 progress and each of the next six fiscal years,  
18 by means of financing grouped under each cost  
19 category. The ~~[number of positions included in]~~  
20 position ceiling for any program shall be  
21 appropriately identified;



1 (J) An identification of the revenues generated in  
2 the last completed fiscal year and estimated to  
3 be generated in the fiscal year in progress and  
4 in each of the next six fiscal years, and the  
5 fund into which [~~such~~] the revenues are  
6 deposited;

7 (K) Details of implementation of each capital  
8 improvement project included in the total program  
9 cost, including:

10 (i) A description of the project, location, and  
11 scope;

12 (ii) The initially estimated, currently  
13 estimated, and final cost of the project, by  
14 investment cost elements and by means of  
15 financing;

16 (iii) The amounts previously appropriated by the  
17 legislature for the project, by cost  
18 elements and by means of financing specified  
19 in the acts appropriating the sums, and an  
20 identification of the acts so appropriating;



- 1 (iv) The costs incurred in the last completed  
2 fiscal year and the estimated costs to be  
3 incurred in the fiscal year in progress and  
4 in each of the next six fiscal years, by  
5 cost elements and by means of financing; and  
6 (v) A commencement and completion schedule, by  
7 month and year, of the various phases of the  
8 capital improvement project (i.e., land  
9 acquisition, design, construction, and  
10 occupancy) as originally intended, as  
11 currently estimated, and as actually  
12 experienced; and  
13 (L) A crosswalk of the program expenditures, by cost  
14 categories and cost elements between the program  
15 and expending agencies for the next two fiscal  
16 years. The means of financing [~~and the number of~~  
17 ~~positions included in~~] for the program costs to  
18 be expended by, and position ceiling for, each  
19 agency shall be specified; and





1           (2) Appropriate displays at every level of the state  
2           program structure above the lowest level. The  
3           displays shall include:

4           (A) A listing of all major groupings of programs  
5           included within the level, together with the  
6           objectives, measures of effectiveness, and  
7           planned levels of effectiveness for each of the  
8           ensuing six fiscal years for each ~~[such]~~ of the  
9           major groupings of programs; and

10          (B) A summary of the total cost of each cost category  
11          by the major groupings of programs encompassed  
12          within the level, actual for the last completed  
13          fiscal year and estimated for the fiscal year in  
14          progress and for each of the next six fiscal  
15          years."

16          SECTION 6. Section 37-71, Hawaii Revised Statutes, is  
17          amended by amending subsection (c) to read as follows:

18          "(c) The display of financial requirements for the ensuing  
19          two fiscal years shall more specifically include:

20          (1) At the lowest level on the state program structure,  
21          for each program:



- 1 (A) The total recommended expenditures, including  
2 research and development, capital and operating  
3 costs, by cost categories and cost elements for  
4 the ensuing biennium; the planned allocation of  
5 the total biennial request, by cost categories,  
6 and cost elements, between the two fiscal years  
7 of the biennium. The means of financing and [~~the~~  
8 ~~number of positions~~] position ceiling included in  
9 any cost category amount shall be appropriately  
10 identified;
- 11 (B) A summary showing means of financing the total  
12 recommended expenditures, those amounts requiring  
13 and those amounts not requiring legislative  
14 appropriation or authorization for spending in  
15 each fiscal year of the biennium;
- 16 (C) A crosswalk of the total proposed biennial  
17 expenditures between the program and expending  
18 agencies. The means of financing [~~the number of~~  
19 ~~positions~~], position ceiling, and the lease  
20 payments included in any cost amount, and the net  
21 amount requiring appropriation or authorization



- 1 shall be appropriately identified for each  
2 expending agency; and
- 3 (D) The proposed changes in the levels of  
4 expenditures, by cost categories, between the  
5 biennium in progress and the ensuing biennium,  
6 together with a brief explanation of the major  
7 reasons for each change. The reasons shall  
8 include, as appropriate, the following:
- 9 (i) Salary adjustments to existing positions of  
10 personnel;
- 11 (ii) The addition or deletion of positions[+] to  
12 or from the position ceiling;
- 13 (iii) Changes in the number of persons being  
14 served or to be served by the program;
- 15 (iv) Changes in the program implementation  
16 schedule;
- 17 (v) Changes in the actual or planned level of  
18 program effectiveness;
- 19 (vi) Increases due to the establishment of a  
20 program not previously included in the  
21 State's program structure;



(vii) Decreases due to the phasing out of a program previously included in the State's program structure; and

(viii) Changes in the purchase price of goods or services;

As appropriate, references to the program and financial plan shall be noted for an explanation of the changes. Notwithstanding the provisions of subsection (b) (5), the proposed changes in the levels of expenditures may be shown to the nearest thousand dollars;

(2) Appropriate summaries of paragraph (1) (A) and (C) immediately above at every level of the state program structure above the lowest level. ~~[Such]~~ The summaries shall be by the major groupings of programs encompassed within the level. The summaries of paragraph (1) (A) shall identify the means of financing ~~[and the number of positions]~~, position ceiling, and ~~[the]~~ lease payments included in any cost category amount; and



(3) A summary listing of all capital improvement projects included in the proposed capital investment costs for the ensuing biennium. The listing shall be by programs at the lowest level of the state program structure and shall show for each project, by investment cost elements:

- (A) The cost of the project;
- (B) The amount of funds previously appropriated and authorized by the legislature; and
- (C) The amount of new appropriations and authorizations proposed in each of the two fiscal years of the ensuing biennium and in each of the succeeding four years. The amount of the new appropriations and authorizations proposed shall constitute the proposed new requests for the project in each of the fiscal bienniums.

In every instance, the means of financing shall be noted."

SECTION 7. Section 37-74, Hawaii Revised Statutes, is amended to read as follows:



1       **"§37-74 Program execution.** (a) Except as limited by  
2 policy decisions of the governor, appropriations by the  
3 legislature, and other provisions of law, the several agencies  
4 responsible for administering state programs shall administer  
5 their program assignments and shall be responsible for their  
6 proper management.

7       (b) The appropriations by the legislature for a biennium  
8 shall be allocated between the two fiscal years of the biennium  
9 in the manner provided in the budget or appropriations act and  
10 as further prescribed by the director of finance. The amounts  
11 allocated for each fiscal year shall be subject to the allotment  
12 system prescribed in chapter 37, part II. Each agency (except  
13 the courts), in estimating its quarterly requirements under  
14 chapter 37, part II, shall prepare a plan for the fiscal year  
15 for the operation of each of the programs it is responsible for  
16 administering. The operations plan shall be in [~~such~~] a form  
17 and content as the department of budget and finance may  
18 prescribe. It shall be submitted, together with the estimated  
19 quarterly requirements, to the department of budget and finance  
20 on [~~such~~] a date as the department may prescribe.

21       (c) The department of budget and finance shall:



1 (1) Review each operations plan to determine:

2 (A) That it is consistent with the policy decisions  
3 of the governor and appropriations by the  
4 legislature;

5 (B) That it reflects proper planning and efficient  
6 management methods; and

7 (C) That appropriations have been made for the  
8 planned purpose and will not be exhausted before  
9 the end of the fiscal year;

10 provided that the department of budget and finance  
11 shall review the operations plan submitted by the  
12 University of Hawaii solely for consistency with the  
13 allotment ceilings established by the governor under  
14 section 37-34, appropriations by the legislature, the  
15 requirements of chapter 37D, and the status of  
16 revenues to support operations plans for all state  
17 programs;

18 (2) Approve the operations plan if satisfied that it meets  
19 the requirements under paragraph (1). Otherwise, the  
20 department of budget and finance shall require



1 revision of the operations plan in whole or in part;

2 and

3 (3) Modify or withhold the planned expenditures at any  
4 time during the appropriation period if the department  
5 of budget and finance finds that the expenditures are  
6 greater than those necessary to execute the programs  
7 at the level authorized by the governor and the  
8 legislature, or that state receipts and surpluses will  
9 be insufficient to meet the authorized expenditure  
10 levels; provided that the planned expenditures for the  
11 University of Hawaii may be modified or withheld only  
12 in accordance with sections 37-36 and 37-37.

13 (d) No appropriation transfers or changes between programs  
14 or agencies shall be made without legislative authorization;  
15 provided that:

16 (1) Authorized transfers or changes, when made, shall be  
17 reported to the legislature;

18 (2) Except with respect to appropriations to fund  
19 financing agreements under chapter 37D, the University  
20 of Hawaii [~~shall have the flexibility to~~] may transfer  
21 appropriated funds and positions for the operating





1 cost category among programs, among cost elements in a  
2 program, and between quarters, as applicable; except  
3 with respect to appropriations to fund financing  
4 agreements under chapter 37D, the department of  
5 education [~~shall have the flexibility to~~] may transfer  
6 appropriated funds and positions for the operating  
7 cost category among programs and among cost elements  
8 in a program, and between quarters, as applicable; and  
9 the Hawaii health systems corporation and its regional  
10 system boards [~~shall have the flexibility to~~] may  
11 transfer special fund appropriations among regional  
12 system hospital facilities as applicable and as  
13 mutually agreed to by the corporation and the  
14 respective regional system board; provided that the  
15 Hawaii health systems corporation and the regional  
16 system boards shall maintain the integrity and  
17 services of each individual regional system and shall  
18 not transfer appropriations out of any regional system  
19 that would result in a reduction of services offered  
20 by the regional system, with due regard for statutory  
21 requirements, changing conditions, the needs of the



1 programs, and the effective utilization of resources;  
2 and

3 (3) The university and the department of education shall  
4 account for each transfer implemented under this  
5 subsection in quarterly reports to the governor and  
6 annual reports at the end of each fiscal year to the  
7 legislature and the governor, which shall be prepared  
8 in the form and manner prescribed by the governor and  
9 shall include information on the sources and uses of  
10 the transfer.

11 (e) Effective July 1, 2017, no funds shall be expended to  
12 fill a permanent or temporary position for the lowest level of a  
13 program if the filling of that position causes the position  
14 ceiling for that level of the program to be exceeded; provided  
15 that this subsection shall not apply to a:

16 (1) Position established by the University of Hawaii or  
17 the Hawaii health systems corporation;

18 (2) Position that is entirely federally funded;

19 (3) Position necessary for compliance, without undue  
20 delay, with a court order or decree if the director of  
21 human resources development determines that



1 recruitment through normal civil service procedures  
2 would result in delay or noncompliance;

3 (4) Position approved by the governor for a special,  
4 research, or demonstration project of an agency;

5 (5) Position approved by the governor to perform an  
6 emergency management function under the department of  
7 defense pursuant to the authority of section  
8 127A-12(b)(9);

9 (6) Casual hire position;

10 (7) Vicing position;

11 (8) Position established by an agency pursuant to express  
12 statutory authorization to establish the position; and

13 (9) Position established by an agency for a program or  
14 project funded by an appropriation in an act other  
15 than a general or supplemental appropriations act."

16 SECTION 8. Section 37-75, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§37-75 Variance report.** Not fewer than thirty days prior  
19 to the convening of each regular session of the legislature, the  
20 governor shall submit to the legislature and to each member  
21 thereof a report on program performance for the last completed



1 fiscal year and the fiscal year in progress. In format, the  
2 report generally shall follow the fiscal requirements portion of  
3 the executive budget or budgets. The report shall include:

4 (1) At the lowest level of the program structure, for each  
5 program contained in the budget finally approved by  
6 the legislature for the last completed fiscal year and  
7 the fiscal year in progress:

8 (A) A comparison, by the operating and research and  
9 development cost categories, of the budgeted  
10 expenditures and the actual expenditures for the  
11 last completed fiscal year and the budgeted  
12 expenditures and the estimated expenditures for  
13 the fiscal year in progress;

14 (B) A comparison, for the operating and research and  
15 development cost categories, of the budgeted  
16 expenditures and [~~positions authorized~~] position  
17 ceiling and the actual expenditures and positions  
18 filled in the last completed fiscal year and a  
19 comparison of the budgeted expenditures and the  
20 [~~number of positions authorized~~] position ceiling  
21 for the fiscal year in progress and the actual



1 expenditures and number of positions filled in  
2 the first three months of the fiscal year in  
3 progress and the estimated expenditures and  
4 number of positions expected to be filled in the  
5 remaining months of the fiscal year in progress;

6 (C) The program size indicators and a comparison of  
7 the program size anticipated and the size  
8 actually realized in the last completed fiscal  
9 year and the program size anticipated and the  
10 size estimated for the fiscal year in progress;

11 (D) The effectiveness measures and a comparison of  
12 the level of effectiveness anticipated and the  
13 level actually attained in the last completed  
14 fiscal year and the level of effectiveness  
15 anticipated and the level estimated for the  
16 fiscal year in progress; and

17 (E) A narrative explanation of the significant  
18 differences for the last completed fiscal year in  
19 each of the comparisons made in subparagraphs  
20 (A), (B), (C), and (D), including an explanation  
21 of the basis upon which the original estimates



1           were made and the reasons why the estimates  
2           proved accurate or inaccurate, and a statement of  
3           what the actual experience portends for the  
4           future of the program in terms of costs, size,  
5           and effectiveness;

6           provided that expenditure amounts in the comparisons  
7           shall be shown to the nearest thousand dollars;

8           (2) Appropriate summaries at each level of the state  
9           program structure for each major grouping of programs  
10          encompassed therein, showing:

11          (A) A comparison of the total budgeted expenditure  
12             and the total actual expenditure for the last  
13             completed fiscal year and the total budgeted  
14             expenditure and the total estimated expenditure  
15             for the fiscal year in progress; provided that  
16             the expenditure amounts shall be shown to the  
17             nearest thousand dollars;

18          (B) The effectiveness measures and a comparison of  
19             the level of effectiveness anticipated and the  
20             level actually attained in the last completed  
21             fiscal year and the level of effectiveness



1 anticipated and the level estimated for the  
2 fiscal year in progress; and

3 (C) A narrative explanation summarizing the major  
4 reasons for the differences in the comparisons  
5 made for the last completed fiscal year in  
6 subparagraphs (A) and (B); and

7 (3) A narrative explanation of the significant variations  
8 in capital improvement costs; provided that capital  
9 improvement project variances shall be referenced to  
10 the six-year program and financial plan, which shall  
11 contain the information specified in section  
12 37-69(d)(1)(K)."

13 SECTION 9. Section 601-2, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The chief justice shall possess the following powers,  
16 subject to such rules as may be adopted by the supreme court:

17 (1) To assign circuit judges from one circuit to another;

18 (2) In a circuit court with more than one judge, (A) to  
19 make assignments of calendars among the circuit judges  
20 for such period as the chief justice may determine  
21 and, as deemed advisable from time to time, to change



1 assignments of calendars or portions thereof (but not  
2 individual cases) from one judge to another, and (B)  
3 to appoint one of the judges, for ~~such~~ a period as  
4 the chief justice may determine, as the administrative  
5 judge to manage the business of the court, subject to  
6 the rules of the supreme court and the direction of  
7 the chief justice;

8 (3) To prescribe for all of the courts a uniform system of  
9 keeping and periodically reporting statistics of their  
10 business;

11 (4) To procure from all of the courts estimates for their  
12 appropriations; with the cooperation of the  
13 representatives of the court concerned to review and  
14 revise them as the chief justice deems necessary for  
15 equitable provisions for the various courts according  
16 to their needs and to present the estimates, as  
17 reviewed and revised by the chief justice, to the  
18 legislature as collectively constituting a unified  
19 budget for all of the courts;

20 (5) To exercise exclusive authority over the preparation,  
21 explanation, and administration of the judiciary





1 budget, programs, plans, and expenditures, including  
2 without limitation policies and practices of financial  
3 administration and the establishment of guidelines as  
4 to permissible expenditures, provided that all  
5 expenditures of the judiciary shall be in conformance  
6 with program appropriations and provisions of the  
7 legislature, and all powers of administration over  
8 judiciary personnel that are specified in Title 7; and

9 (6) To do all other acts [~~which~~] that may be necessary or  
10 appropriate for the administration of the judiciary.

11 The budget, supplemental budget, six-year program and financial  
12 plan, and the variance report of the judiciary shall be  
13 submitted by the chief justice to the legislature in accordance  
14 with the schedule of submission specified for the governor in  
15 chapter 37 and shall contain the program information prescribed  
16 in that chapter[~~-~~] as applicable to the judiciary. By  
17 November 1 of each year preceding a legislative session in which  
18 a budget is to be submitted, the chief justice shall provide  
19 written notification to the governor of the proposed total  
20 expenditures, by cost categories and sources of funding, and



1 estimated revenues of the judiciary for each fiscal year of the  
2 next fiscal biennium[~~-~~] or fiscal year, as applicable."

3 SECTION 10. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 11. This Act shall take effect on January 7, 2059,  
6 and shall apply to the six-year program and financial plans,  
7 budgets, supplemental budgets, and variance reports submitted to  
8 the legislature, beginning with the regular session of 2017;  
9 provided that section 3 shall take effect upon approval.



**Report Title:**

State Budget; Position Ceiling, Temporary Positions

**Description:**

Requires "position ceilings" to be included in the executive budget and related documents. Requires a "position ceiling" to separately identify the maximum number of permanent and temporary positions authorized in the executive budget. Prohibits the expenditure of funds on positions exceeding the applicable ceiling, with certain exceptions. Authorizes department heads, with the approval of the governor, to establish positions for special, research, and demonstration projects, provided that funding is available for the positions. States intent that the provisions also apply to the judiciary budget by operation of existing law. Effective date 1/7/2059; except that section 3 of the bill takes effect upon approval. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

